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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Personnel - Collective Bargaining - Revisions**

3 FOR the purpose of altering certain provisions of law governing collective bargaining  
 4 for certain State employees and certain employees of State institutions of higher  
 5 education; specifying that provisions of this Act may not limit or interfere with  
 6 certain powers of the Governor; specifying that the State Labor Relations Board  
 7 is an independent unit of State government; altering the membership of the  
 8 Board; requiring that the Board elect a chairman from among its members;  
 9 altering the duties of the Board and the State Higher Education Labor Relations  
 10 Board; requiring the Board and the State Higher Education Labor Relations  
 11 Board to jointly appoint an Executive Director; altering the duties and powers of  
 12 the Executive Director; repealing a requirement that the Department of Budget  
 13 and Management provide administrative support to the State Labor Relations  
 14 Board; requiring the State Department under certain circumstances to provide  
 15 certain information to certain exclusive representatives; prohibiting certain  
 16 exclusive representatives from requesting or receiving certain information  
 17 under certain circumstances; prohibiting certain exclusive representatives from  
 18 sharing releasing certain information; providing a certain exception; prohibiting

1 a certain exclusive representative from using certain information for a certain  
2 purpose; authorizing a certain exclusive representative to use certain  
3 information only for a certain purpose; specifying certain employee rights;  
4 prohibiting the State and employee organizations from engaging in certain  
5 unfair labor practices; requiring the Department to make certain information  
6 available to certain employee organizations for certain purposes under certain  
7 circumstances; allowing parties in collective bargaining to request that a fact  
8 finder be employed under certain circumstances; specifying the manner of  
9 appointment and the powers and duties of a fact finder; clarifying the processes  
10 of collective bargaining; altering a certain definition; making certain conforming  
11 changes; and generally relating to collective bargaining for State employees and  
12 employees of State institutions of higher education.

13 BY repealing and reenacting, with amendments,  
14 Article - State Personnel and Pensions  
15 Section 3-101, 3-103, 3-201, 3-202, 3-204, 3-206, 3-207, 3-208, 3-209, 3-210,  
16 3-2A-04, 3-2A-06, 3-301(a), 3-306, 3-405(a), and 3-501  
17 Annotated Code of Maryland  
18 (2004 Replacement Volume and 2005 Supplement)

19 BY repealing  
20 Article - State Personnel and Pensions  
21 Section 3-205  
22 Annotated Code of Maryland  
23 (2004 Replacement Volume and 2005 Supplement)

24 BY repealing and reenacting, without amendments,  
25 Article - State Personnel and Pensions  
26 Section 3-2A-01  
27 Annotated Code of Maryland  
28 (2004 Replacement Volume and 2005 Supplement)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
30 MARYLAND, That the Laws of Maryland read as follows:

31 **Article - State Personnel and Pensions**

32 3-101.

33 (a) In this title the following words have the meanings indicated.

34 (b) "Board" means:

35 (1) with regard to any matter relating to employees of any of the units of  
36 State government described in § 3-102(a)(1) through (4) of this subtitle, the State  
37 Labor Relations Board; and

1 (2) with regard to any matter relating to employees of any State  
 2 institution of higher education described in § 3-102(a)(5) of this subtitle, the State  
 3 Higher Education Labor Relations Board.

4 (c) "Collective bargaining" means:

5 (1) good faith negotiations by authorized representatives of employees  
 6 and their employer with the intention of:

7 [(1)] (I) 1. reaching an agreement about wages, hours, and other  
 8 terms and conditions of employment; and

9 [(2)] ~~(H)~~ 2. incorporating the terms of the agreement in a written  
 10 memorandum of understanding OR OTHER WRITTEN UNDERSTANDING; OR

11 (II) CLARIFYING TERMS AND CONDITIONS OF EMPLOYMENT;

12 (2) ADMINISTRATION OF TERMS AND CONDITIONS OF EMPLOYMENT, ~~OR~~  
 13 ; OR

14 (3) ~~THE VOLUNTARY ADJUSTMENT OF GRIEVANCES BY AN EXCLUSIVE~~  
 15 ~~REPRESENTATIVE A DISPUTE OR DISAGREEMENT BETWEEN AUTHORIZED~~  
 16 ~~REPRESENTATIVES OF EMPLOYEES AND THEIR EMPLOYER THAT ARISES UNDER A~~  
 17 ~~MEMORANDUM OF UNDERSTANDING OR OTHER WRITTEN UNDERSTANDING.~~

18 (d) "Employee organization" means a labor or other organization in which  
 19 State employees participate and that has as one of its primary purposes representing  
 20 employees.

21 (e) "Exclusive representative" means an employee organization that has been  
 22 certified by the Board as an exclusive representative under Subtitle 4 of this title.

23 (f) "President" means:

24 (1) with regard to a constituent institution, as defined in § 12-101 of the  
 25 Education Article, the president of the constituent institution;

26 (2) with regard to a center or institute, as those terms are defined in §  
 27 12-101 of the Education Article, the president of the center or institute;

28 (3) with regard to the University System of Maryland Office, the  
 29 Chancellor of the University System of Maryland; and

30 (4) with regard to Morgan State University, St. Mary's College of  
 31 Maryland, and Baltimore City Community College, the president of the institution.

32 (g) "System institution" means:

33 (1) a constituent institution, as defined in § 12-101 of the Education  
 34 Article;

1 (2) a center or institute, as those terms are defined in § 12-101 of the  
2 Education Article; and

3 (3) the University System of Maryland Office.

4 3-103.

5 This title and any agreement under this title do not limit or otherwise interfere  
6 with the powers of the GOVERNOR OR THE Maryland General Assembly under Article  
7 III, § 52 of the Maryland Constitution.

8 3-201.

9 There is a State Labor Relations Board [in the Department] ESTABLISHED AS  
10 AN INDEPENDENT UNIT OF STATE GOVERNMENT.

11 3-202.

12 (a) The Board consists of the following five members:

13 (1) [the Secretary or a designee of the Secretary] ONE MEMBER  
14 APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE  
15 REPRESENTING THE PUBLIC, WHO:

16 (I) IS NOT AN OFFICER OR EMPLOYEE OF THE STATE OR A STATE  
17 EMPLOYEE ORGANIZATION; AND

18 (II) IS NOT AN ELECTED OFFICIAL OF THE STATE OR A STATE  
19 EMPLOYEE ORGANIZATION;

20 (2) two members ~~[with knowledge of labor issues]~~ CHOSEN FROM A LIST  
21 ~~OF FIVE CANDIDATES SUBMITTED JOINTLY BY THE EXCLUSIVE REPRESENTATIVES~~  
22 BY EACH EXCLUSIVE REPRESENTATIVE, appointed by the Governor with the advice  
23 and consent of the Senate, who:

24 (i) are not officers or employees of the State or [an] A STATE  
25 employee organization; and

26 (ii) are known for objective and independent judgment; and

27 (3) two members of the business community, appointed by the Governor  
28 with the advice and consent of the Senate, who:

29 (I) ARE NOT OFFICERS OR EMPLOYEES OF THE STATE OR A STATE  
30 EMPLOYEE ORGANIZATION; AND

31 (II) are known for objective and independent judgment.

32 (b) Before taking office, each [appointed] member shall take the oath  
33 required by Article I, § 9 of the Maryland Constitution.

1 (c) [With the advice of the Secretary, the Governor shall designate a chairman  
2 from among the appointed members of the Board] FROM AMONG ITS MEMBERS, THE  
3 BOARD SHALL ELECT A CHAIRMAN.

4 (d) [The Secretary or the Secretary's designee shall serve as a continuing  
5 member.

6 (e) (1) The term of [an appointed] A member is 6 years.

7 (2) The terms of [appointed] members are staggered as required by the  
8 terms provided for [appointed] members of the Board on July 1, [1999] 2006.

9 (3) A vacancy shall be filled for an unexpired term in the same manner  
10 as an original appointment.

11 (4) At the end of a term, a member continues to serve until a successor is  
12 appointed and qualifies.

13 (5) A member who is appointed after a term has begun serves only for  
14 the rest of the term and until a successor is appointed and qualifies.

15 [(f)] (E) The Governor may remove [an appointed] A member ONLY for  
16 incompetence or misconduct.

17 [(g)] (F) In making appointments to the Board, the Governor shall ensure, to  
18 the extent practicable, that:

19 (1) the ratio of male and female members and the racial makeup of the  
20 Board is reflective of the general population of the State; and

21 (2) each major geographic area of the State is represented on the Board.  
22 3-204.

23 (a) (1) [With approval of the] THE STATE LABOR RELATIONS Board[, the  
24 Secretary] AND THE STATE HIGHER EDUCATION LABOR RELATIONS BOARD JOINTLY  
25 shall appoint an Executive Director of the [Board] BOARDS.

26 (2) The Executive Director:

27 (i) is responsible to and serves at the pleasure of the [Secretary]  
28 BOARDS; and

29 (ii) is entitled to the salary provided in the State budget.

30 (b) The Executive Director shall perform the duties that the [Secretary  
31 assigns] BOARDS ASSIGN, including:

32 (1) operating the office of the [Board] BOARDS; and

33 (2) keeping the official records of the [Board] BOARDS.

1 (C) THE EXECUTIVE DIRECTOR MAY HIRE ANY STAFF NECESSARY TO CARRY  
2 OUT THE PROVISIONS OF THIS SUBTITLE.

3 [(c)] (D) (1) With approval of the [Secretary] BOARDS, the Executive  
4 Director may employ professional consultants.

5 (2) Each professional consultant serves at the pleasure of the Executive  
6 Director.

7 [3-205.

8 The Department shall provide administrative support to the Board.]

9 [3-206.] 3-205.

10 (a) The Board is responsible for administering and enforcing provisions of this  
11 title relating to employees described in § 3-102(a)(1) through (4) of this title.

12 (b) In addition to any other powers or duties provided for elsewhere in this  
13 title, the Board may:

14 (1) (i) establish guidelines for creating new bargaining units that  
15 include a consideration of:

- 16 1. the effect of over fragmentation on the employer;
- 17 2. the administrative structures of the State employer;
- 18 3. the recommendations of the parties;
- 19 4. the recommendations of the [Secretary] EXECUTIVE  
20 DIRECTOR;
- 21 5. the desires of the employees involved;
- 22 6. the communities of interest of the employees involved; and
- 23 7. the wages, hours, and other working conditions of the  
24 employees;

25 (ii) establish standards for determining an appropriate bargaining  
26 unit; and

27 (iii) investigate and resolve disputes about appropriate bargaining  
28 units;

29 (2) establish procedures for, supervise the conduct of, and resolve  
30 disputes about elections for exclusive representatives; and

31 (3) investigate and take appropriate action in response to complaints of  
32 unfair labor practices and lockouts.

1 [3-207.] 3-206.

2 The [Secretary] BOARD [may] SHALL adopt and enforce regulations,  
3 guidelines, and policies to carry out this title [which:

4 (1) define unfair labor practices; and

5 (2) establish], INCLUDING ESTABLISHING permissible labor-related  
6 activities on the work site.

7 [3-208.] 3-207.

8 (a) The Board [may] SHALL investigate:

9 (1) a possible violation of this title or any regulation adopted under it;  
10 and

11 (2) any other relevant matter.

12 (b) The Board may hold a hearing in accordance with Title 10, Subtitle 2 of the  
13 State Government Article whenever necessary for a fair determination of any issue or  
14 complaint arising under this title or a regulation adopted under it.

15 [3-209.] 3-208.

16 (A) ON WRITTEN REQUEST OF AN EXCLUSIVE REPRESENTATIVE, FOR EACH  
17 EMPLOYEE IN THE BARGAINING UNIT REPRESENTED BY THE EXCLUSIVE  
18 REPRESENTATIVE, THE ~~BOARD DEPARTMENT SHALL ORDER THE STATE TO PROVIDE~~  
19 THE EXCLUSIVE REPRESENTATIVE WITH THE EMPLOYEE'S:

20 (1) NAME;

21 (2) POSITION CLASSIFICATION;

22 (3) UNIT;

23 (4) HOME AND WORK SITE ADDRESSES WHERE THE EMPLOYEE  
24 RECEIVES INTEROFFICE OR UNITED STATES MAIL; AND

25 (5) HOME AND WORK SITE TELEPHONE NUMBERS.

26 (B) AN EXCLUSIVE REPRESENTATIVE MAY PRESENT A REQUEST FOR  
27 EMPLOYEE INFORMATION, AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION,  
28 ~~ONCE TWICE EVERY 3 MONTHS~~ CALENDAR YEAR.

29 (C) Names or lists of employees provided to the Board in connection with an  
30 election under this title are not subject to disclosure in accordance with Title 10,  
31 Subtitle 6 of the State Government Article.

32 (D) (1) THIRTY DAYS BEFORE PROVIDING AN EMPLOYEE'S NAME,  
33 ADDRESSES, TELEPHONE NUMBERS, AND WORK INFORMATION TO AN EXCLUSIVE

1 REPRESENTATIVE, THE EMPLOYER SHALL NOTIFY THE EMPLOYEE OF THE  
2 PROVISIONS OF THIS SECTION.

3 (2) THE EMPLOYEE MAY, WITHIN 15 DAYS OF THE EMPLOYER'S NOTICE  
4 UNDER PARAGRAPH (1) OF THIS SUBSECTION, NOTIFY THE EMPLOYER THAT THE  
5 EMPLOYEE DOES NOT WANT THE EMPLOYEE'S NAME, ADDRESSES, TELEPHONE  
6 NUMBERS, OR WORK INFORMATION TO BE PROVIDED TO AN EXCLUSIVE  
7 REPRESENTATIVE.

8 (3) IF AN EMPLOYEE PROVIDES TIMELY NOTIFICATION TO THE  
9 EMPLOYER UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE EMPLOYER MAY NOT  
10 PROVIDE THE EMPLOYEE'S NAME, ADDRESSES, TELEPHONE NUMBERS, OR WORK  
11 INFORMATION.

12 ~~(E) (1) ONCE ANNUALLY, BETWEEN AUGUST 1 AND AUGUST 31, AN~~  
13 ~~EMPLOYEE:~~

14 ~~(1) MAY NOTIFY AN EXCLUSIVE REPRESENTATIVE TO REMOVE THE~~  
15 ~~EMPLOYEE'S NAME, ADDRESSES, TELEPHONE NUMBERS, AND WORK INFORMATION~~  
16 ~~FROM A LIST PROVIDED BY THE EMPLOYER; AND~~

17 ~~(1) SHALL SEND A COPY OF THE NOTIFICATION TO THE EMPLOYER.~~

18 ~~(2) WHEN THE EXCLUSIVE REPRESENTATIVE AND THE EMPLOYER~~  
19 ~~RECEIVE NOTIFICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE~~  
20 ~~EMPLOYEE'S NAME, ADDRESSES, TELEPHONE NUMBERS, AND WORK INFORMATION~~  
21 ~~SHALL BE REMOVED FROM ALL FUTURE LISTS ISSUED THROUGH THE FOLLOWING~~  
22 ~~AUGUST 1.~~

23 ~~(E) AN INCUMBENT EXCLUSIVE REPRESENTATIVE FOR A BARGAINING UNIT~~  
24 ~~THAT IS THE SUBJECT OF AN ELECTION UNDER § 3-405 OF THIS TITLE MAY NOT~~  
25 ~~REQUEST OR RECEIVE ANY EMPLOYEE INFORMATION AS PROVIDED UNDER~~  
26 ~~SUBSECTIONS (A) AND (B) OF THIS SECTION.~~

27 (F) AN EMPLOYER MAY CHARGE AN EXCLUSIVE REPRESENTATIVE A FEE NOT  
28 TO EXCEED THE ACTUAL COST OF PROVIDING A LIST OF EMPLOYEES' NAMES,  
29 ADDRESSES, TELEPHONE NUMBERS, AND WORK INFORMATION TO THE EXCLUSIVE  
30 REPRESENTATIVE.

31 (G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN  
32 EXCLUSIVE REPRESENTATIVE SHALL CONSIDER THE INFORMATION THAT IT  
33 RECEIVES UNDER THIS SECTION AS CONFIDENTIAL AND MAY NOT RELEASE THE  
34 INFORMATION TO ANY PERSON.

35 (2) AN EXCLUSIVE REPRESENTATIVE MAY ~~UTILIZE~~ AUTHORIZE THIRD  
36 PARTY CONTRACTORS TO USE THE INFORMATION THAT IT RECEIVES UNDER THIS  
37 SECTION, AS DIRECTED BY THE EXCLUSIVE REPRESENTATIVE, TO CARRY OUT ~~ITS~~  
38 THE EXCLUSIVE REPRESENTATIVE'S STATUTORY DUTIES UNDER THIS TITLE.

1 (H) (1) AN EXCLUSIVE REPRESENTATIVE MAY NOT USE THE INFORMATION  
2 THAT IT RECEIVES UNDER THIS SECTION FOR THE PURPOSE OF INCREASING  
3 EMPLOYEE MEMBERSHIP IN AN EMPLOYEE ORGANIZATION.

4 (2) AN EXCLUSIVE REPRESENTATIVE MAY USE THE INFORMATION THAT  
5 IT RECEIVES UNDER THIS SECTION ONLY TO CARRY OUT ITS STATUTORY DUTIES  
6 UNDER THIS TITLE.

7 [3-210.] 3-209.

8 (a) If a person fails to comply with an order issued by the Board, a member of  
9 the Board may petition the circuit court to order the person to comply with the  
10 Board's order.

11 (b) The Board shall not be required to post bond in an action under subsection  
12 (a) of this section.

13 3-2A-01.

14 There is a State Higher Education Labor Relations Board established as an  
15 independent unit of State government.

16 3-2A-04.

17 (a) (1) The STATE HIGHER EDUCATION LABOR RELATIONS Board AND THE  
18 STATE LABOR RELATIONS BOARD JOINTLY shall appoint an Executive Director of the  
19 [Board] BOARDS.

20 (2) The Executive Director:

21 (i) is responsible to and serves at the pleasure of the [Board]  
22 BOARDS; and

23 (ii) is entitled to the salary provided in the State budget.

24 (b) The Executive Director shall perform the duties that the [Board assigns]  
25 BOARDS ASSIGN, including:

26 (1) operating the office of the [Board] BOARDS; and

27 (2) keeping the official records of the [Board] BOARDS.

28 (c) The Executive Director may hire any staff necessary to carry out the  
29 provisions of this subtitle.

30 (d) (1) With approval of the [Board] BOARDS, the Executive Director may  
31 employ professional consultants.

32 (2) Each professional consultant serves at the pleasure of the Executive  
33 Director.

1 3-2A-06.

2 The Board [may] SHALL adopt and enforce regulations, guidelines, and policies  
3 to carry out this title [which:

4 (1) define unfair labor practices; and

5 (2) establish], INCLUDING ESTABLISHING permissible labor-related  
6 activities on the work site.

7 3-301.

8 (a) Employees subject to this title have the right to:

9 (1) take part or refrain from taking part in forming, joining, supporting,  
10 or participating in any employee organization or its lawful activities;

11 (2) be fairly represented by their exclusive representative, if any, in  
12 collective bargaining; and

13 (3) except as provided in §§ 3-303 and 3-305 of this subtitle, engage in  
14 other concerted activities for the purpose of collective bargaining OR OTHER MUTUAL  
15 AID OR PROTECTION.

16 3-306.

17 (a) The State and its officers, employees, agents, or representatives are  
18 prohibited from engaging in any unfair labor practice, [as defined by the Secretary]  
19 INCLUDING:

20 (1) INTERFERING WITH, RESTRAINING, OR COERCING EMPLOYEES IN  
21 THE EXERCISE OF THEIR RIGHTS UNDER THIS TITLE;

22 (2) DOMINATING, INTERFERING WITH, CONTRIBUTING FINANCIAL OR  
23 OTHER SUPPORT TO, OR ASSISTING IN THE FORMATION, EXISTENCE, OR  
24 ADMINISTRATION OF ANY LABOR ORGANIZATION;

25 (3) GRANTING ADMINISTRATIVE LEAVE TO EMPLOYEES TO ATTEND  
26 EMPLOYER SPONSORED OR SUPPORTED MEETINGS OR EVENTS RELATING TO AN  
27 ELECTION UNDER § 3-405 OF THIS TITLE, UNLESS THE EMPLOYER GRANTS  
28 EMPLOYEES AT LEAST THE SAME AMOUNT OF ADMINISTRATIVE LEAVE TO ATTEND  
29 LABOR ORGANIZATION SPONSORED OR SUPPORTED MEETINGS OR EMPLOYEE  
30 MEETINGS;

31 (4) DISCRIMINATING IN HIRING, TENURE, OR ANY TERM OR CONDITION  
32 OF EMPLOYMENT TO ENCOURAGE OR DISCOURAGE MEMBERSHIP IN AN EMPLOYEE  
33 ORGANIZATION;

34 (5) DISCHARGING OR DISCRIMINATING AGAINST AN EMPLOYEE  
35 BECAUSE OF THE SIGNING OR FILING OF AN AFFIDAVIT, PETITION, OR COMPLAINT,

1 OR GIVING INFORMATION OR TESTIMONY IN CONNECTION WITH MATTERS UNDER  
2 THIS SUBTITLE;

3 (6) FAILING TO PROVIDE ALL EMPLOYEE ORGANIZATIONS INVOLVED IN  
4 AN ELECTION THE SAME RIGHTS OF ACCESS AS PRESCRIBED BY THE BOARD  
5 THROUGH REGULATION;

6 (7) ENGAGING IN SURVEILLANCE OF UNION ACTIVITIES;

7 (8) REFUSING TO BARGAIN IN GOOD FAITH; OR

8 (9) ENGAGING IN A LOCKOUT.

9 (b) Employee organizations and their agents or representatives are prohibited  
10 from engaging in any unfair labor practice, [as defined by the Secretary]  
11 INCLUDING:

12 (1) INTERFERING WITH, RESTRAINING, OR COERCING EMPLOYEES IN  
13 THE EXERCISE OF THEIR RIGHTS UNDER THIS TITLE;

14 (2) CAUSING OR ATTEMPTING TO CAUSE AN EMPLOYER TO  
15 DISCRIMINATE IN HIRING, TENURE, OR ANY TERM OR CONDITION OF EMPLOYMENT  
16 TO ENCOURAGE OR DISCOURAGE MEMBERSHIP IN AN EMPLOYEE ORGANIZATION;

17 (3) ENGAGING IN, INDUCING, OR ENCOURAGING ANY PERSON TO  
18 ENGAGE IN A STRIKE, AS DEFINED IN § 3-303(A) OF THIS SUBTITLE;

19 (4) INTERFERING WITH THE STATUTORY DUTIES OF THE STATE OR AN  
20 EMPLOYER;

21 (5) REFUSING TO BARGAIN IN GOOD FAITH; OR

22 (6) NOT FAIRLY REPRESENTING EMPLOYEES IN COLLECTIVE  
23 BARGAINING OR IN ANY OTHER MATTER IN WHICH THE EMPLOYEE ORGANIZATION  
24 HAS THE DUTY OF FAIR REPRESENTATION.

25 3-405.

26 (a) (1) Within 5 days of determination that a valid petition has been  
27 submitted, the Board shall notify interested employee organizations of the pending  
28 election petition.

29 (2) WITHIN 10 DAYS OF DETERMINATION THAT A VALID PETITION HAS  
30 BEEN SUBMITTED UNDER § 3-402 OF THIS SUBTITLE OR SUBSECTION (C)(2)(III) OF  
31 THIS SECTION, THE DEPARTMENT SHALL MAKE AVAILABLE TO ALL INTERESTED  
32 EMPLOYEE ORGANIZATIONS REASONABLE AND EQUIVALENT MEANS TO  
33 COMMUNICATE BY MAIL AND IN PERSON WITH EACH EMPLOYEE IN THE  
34 APPROPRIATE BARGAINING UNIT FOR THE PURPOSE OF SOLICITING THE  
35 EMPLOYEE'S VOTE IN AN ELECTION HELD UNDER THIS SECTION.

1 3-501.

2 (a) (1) The following individuals or entities shall designate one or more  
3 representatives to participate as a party in collective bargaining on behalf of the State  
4 or the following institutions:

5 (i) on behalf of the State, the Governor;

6 (ii) on behalf of a system institution, the president of the system  
7 institution; and

8 (iii) on behalf of Morgan State University, St. Mary's College of  
9 Maryland, or Baltimore City Community College, the governing board of the  
10 institution.

11 (2) The exclusive representative shall designate one or more  
12 representatives to participate as a party in collective bargaining on behalf of the  
13 exclusive representative.

14 (b) The parties shall meet at reasonable times and engage in collective  
15 bargaining in good faith TO CONCLUDE A WRITTEN MEMORANDUM OF  
16 UNDERSTANDING OR OTHER WRITTEN UNDERSTANDING.

17 (c) (1) The parties shall make every reasonable effort to conclude  
18 negotiations in a timely manner for inclusion by the principal unit in its budget  
19 request to the Governor.

20 (2) (i) The parties shall conclude negotiations before January 1 for any  
21 item requiring an appropriation of funds for the fiscal year that begins on the  
22 following July 1.

23 (ii) In the budget bill submitted to the General Assembly, the  
24 Governor shall include any amounts in the budgets of the principal units required to  
25 accommodate any additional cost resulting from the negotiations, including the  
26 actuarial impact of any legislative changes to any of the State pension or retirement  
27 systems that are required, as a result of the negotiations, for the fiscal year beginning  
28 the following July 1 if the legislative changes have been negotiated to become effective  
29 in that fiscal year.

30 (3) (I) IF THE PARTIES DO NOT CONCLUDE NEGOTIATIONS FOR THE  
31 NEXT FISCAL YEAR BEFORE OCTOBER 25, EITHER PARTY MAY REQUEST THAT A FACT  
32 FINDER BE EMPLOYED TO RESOLVE THE ISSUES.

33 (II) THE FACT FINDER SHALL BE EMPLOYED NO LATER THAN  
34 NOVEMBER 1.

35 (III) A FACT FINDER SHALL BE A NEUTRAL PARTY APPOINTED BY  
36 ALTERNATE STRIKING FROM A LIST BY THE PARTIES PROVIDED:

1 1. BY THE FEDERAL MEDIATION AND CONCILIATION  
2 SERVICE; OR

3 2. UNDER THE LABOR ARBITRATION RULES OF THE  
4 AMERICAN ARBITRATION ASSOCIATION.

5 (IV) THE FACT FINDER:

6 1. MAY GIVE NOTICE AND HOLD HEARINGS IN ACCORDANCE  
7 WITH THE ADMINISTRATIVE PROCEDURE ACT;

8 2. MAY ADMINISTER OATHS AND TAKE TESTIMONY AND  
9 OTHER EVIDENCE;

10 3. MAY ISSUE SUBPOENAS; AND

11 4. BEFORE NOVEMBER 20, SHALL MAKE WRITTEN  
12 RECOMMENDATIONS REGARDING WAGES, HOURS, AND WORKING CONDITIONS, AND  
13 ANY OTHER TERMS OR CONDITIONS OF EMPLOYMENT THAT MAY BE IN DISPUTE.

14 (V) THE WRITTEN RECOMMENDATIONS OF THE FACT FINDER  
15 SHALL BE DELIVERED TO THE GOVERNOR, THE EXCLUSIVE REPRESENTATIVE, THE  
16 PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE OF DELEGATES BY  
17 THE SECRETARY ON OR BEFORE DECEMBER 1.

18 (d) (1) A memorandum of understanding that incorporates all matters of  
19 agreement reached by the parties shall be executed by the exclusive representative  
20 and:

21 (i) for a memorandum of understanding relating to the State, the  
22 Governor or the Governor's designee;

23 (ii) for a memorandum of understanding relating to a system  
24 institution, the president of the system institution or the president's designee; and

25 (iii) for a memorandum of understanding relating to Morgan State  
26 University, St. Mary's College of Maryland, or Baltimore City Community College, the  
27 governing board of the institution or the governing board's designee.

28 (2) To the extent these matters require legislative approval or the  
29 appropriation of funds, the matters shall be recommended to the General Assembly  
30 for approval or for the appropriation of funds.

31 (3) To the extent matters involving a State institution of higher  
32 education require legislative approval, the legislation shall be recommended to the  
33 Governor for submission to the General Assembly.

34 (e) Negotiations [or matters relating to negotiations] FOR A MEMORANDUM  
35 OF UNDERSTANDING shall be considered closed sessions under § 10-508 of the State  
36 Government Article.

1 (f) (1) The terms of a memorandum of understanding executed by the  
2 Governor or the Governor's designee and an exclusive representative of a bargaining  
3 unit for skilled service or professional service employees in the State Personnel  
4 Management System are not applicable to employees of a State institution of higher  
5 education.

6 (2) The terms of a memorandum of understanding executed by a  
7 president of a system institution or the governing board of Morgan State University,  
8 St. Mary's College of Maryland, or Baltimore City Community College, or their  
9 respective designees, and the exclusive representative of a bargaining unit for  
10 employees of a State institution of higher education are not applicable to skilled  
11 service or professional service employees in the State Personnel Management System.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the members  
13 of the State Labor Relations Board shall expire as follows:

14 (a) one member in 2006;

15 (b) two members in 2007; and

16 (c) two members in 2009.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 July 1, 2006.